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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,846	12/27/2000	Mina L. McKay	YOR920000563US1/I27-0002	4804

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,846

Applicant(s)

MCKAY ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-30,33-37,39-43,45-70 and 73-82 is/are pending in the application.

4a) Of the above claim(s) 2,3,16-24,26-30,33-35,42,43,56-64,66-70 and 73-75 is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-15,25,36,37,39-41,45-55,65 and 76-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed January 18, 2005.

Claims 1, 5, 25, 36, 39-41, 45, and 65 have been amended.

Claims 4, 31, 32, 38, 44, 71, and 72 have been cancelled.

Claims 76-82 have been added.

Claims 2, 3, 16-24, 26-30, 33-35, 42, 43, 56-64, 66-70, and 73-75 stand as withdrawn.

Claims 1, 5-15, 25, 36, 37, 39-41, 45-55, 65, and 76-82 are presented for examination.

2. The previously pending objection to the specification is withdrawn in response to Applicant's submission of a corrected abstract.

Response to Arguments

3. Applicant's arguments filed January 18, 2005 have been fully considered but they are not persuasive.

Applicant argues that McFarland is directed toward self-conducted audits while the audits recited in the claimed invention "are performed by an enterprise seeking to qualify a supplier enterprise and are not self-conducted audits in furtherance of compliance with ISO 9000 as taught by McFarland." (Page 21 of Applicant's response) First, Applicant's claim language does not preclude the performance of self-conducted

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audits. Furthermore, self-conducted audits can imply various things. For example, a self-conducted audit may merely be initiated in-house, but require that authorized internal and/or external auditors perform an audit. Also, while a self-conducted audit may be maintained in-house, it may be conducted by departments separate from the departments being audited, thereby effectively providing a type of third-party audit. It should also be noted that the same structural elements would be used regardless of whether the auditor is selected internally or externally; therefore, the apparatus claims would still be addressed by Applicant's interpretation of McFarland regardless of who is using the recited apparatus. Second, McFarland allows one to schedule both internal and external auditors (see at least col. 24, lines 20-29); therefore, McFarland's audits may be performed by an external (i.e., third party) enterprise seeking to qualify the supplier enterprise. Third, amended claim 1 recites that the user system is "associated with an enterprise system." The term "associated" does not impart any express structural nexus between the user system and the enterprise system; it merely defines a broad (non-structurally defined) relationship between the two systems.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5-9, 13, 41, 45-49, and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by McFarland (U.S. Patent No. 6,154,753).

McFarland discloses a method for facilitating supplier auditing functions in a communications network environment, comprising:

[Claim 1] receiving a request from a user system associated with an enterprise system to initiate an activity, said activity including scheduling an audit for performing an initial or ongoing qualification of a supplier enterprise (Figs. 1, 62, 65; col. 24, lines 20-30; col. 25, lines 33-34; col. 26, lines 5-15; col. 28, lines 28-30);

said enterprise system retrieving data from at least one database, said data corresponding to said activity selected (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46); and

transmitting said data to said user system (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

wherein said enterprise system includes a quality information network application for executing activity options (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

[Claim 5] wherein said scheduling said audit includes:

entering supplier data into a schedule form (Figs. 62-66; col. 24, lines 25-30; col. 26, lines 16-30);

entering requester information into said schedule form (Figs. 62-66; col. 24, lines 25-30; col. 26, lines 16-30);

selecting an auditor to perform said audit (Figs. 62-67; col. 24, lines 25-30; col. 25, lines 4-34; col. 26, lines 16-30);

entering a purpose for said audit (Figs. 62-66; col. 24, lines 25-30);

entering a time frame for performing said audit (col. 24, lines 25-30 -- An audit date is input); and

distributing a completed schedule form to at least one entity (Figs. 62-66; col. 24, lines 20-30; col. 25, lines 33-34; col. 26, lines 5-15; col. 28, lines 28-30);

[Claim 6] wherein said distributing said completed schedule form is automatically performed by said quality information network application via a distribution list (col. 25, lines 4-34; col. 26, lines 5-15 -- Since only eligible auditors may be assigned to complete an audit, it is understood that they are part of an approved distribution list for certain audits, based on input from a requester. The distribution can be said to be performed automatically in the sense that all communications are conducted electronically while the distribution can also be viewed as performed manually in the sense that the requester selects an auditor from the list of eligible auditors);

[Claim 7] wherein said distributing said completed schedule form is manually performed by said requester via a distribution list provided by said requester (col. 25, lines 4-34; col. 26, lines 5-15 -- Since only eligible auditors may be assigned to complete an audit, it is understood that they are part of an approved distribution list for certain audits, based on input from a requester. The distribution can be said to be performed automatically in the sense that all communications are conducted

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electronically while the distribution can also be viewed as performed manually in the sense that the requester selects an auditor from the list of eligible auditors);

[Claim 8] wherein said requester is a divisional user (col. 26, lines 23-25);

[Claim 9] wherein said selecting said auditor by said requester includes selection criteria including:

geographic location of site to be audited (col. 25, lines 4-34);

auditing skills possessed by said auditor (col. 25, lines 4-34);

a commodity subject to said audit (col. 25, lines 4-34); and

auditor pre-qualification data (col. 25, lines 4-34);

[Claim 13] wherein said activity includes viewing a scheduled audit (col. 28, lines 28-37).

[Claims 41, 45-49, 53] Claims 41, 45-49, and 53 recite limitations already addressed by the rejection of claims 1, 5-9, and 13 above; therefore, the same rejection applies.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 10-12, 14, 15, 25, 36, 37, 39, 40, 50-52, 54, 55, 65, and 76-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland (U.S. Patent No. 6,154,753), as applied to claims 5, 9, 13, 45, 49, and 53 above.

[Claims 10, 11] McFarland must notify an auditor to complete a scheduled audit in order to achieve actual completion of an audit (col. 26, lines 5-15). Since McFarland's communications are performed electronically, such a notification can be said to be automatic (as per claim 10). However, McFarland does not expressly teach that the auditor can confirm or reject the notice to perform an audit. Official Notice is taken that it is old and well-known in the art of project management to allow a user to accept or reject a task. Furthermore, Official Notice is taken that it is old and well-known in the art of project management to select a back-up person to perform a task when a first person cannot perform it. This allows for efficient task allocation and timely task completion when a first person is not available to complete an assigned task (e.g., due to vacation, illness, etc.). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify McFarland to perform the steps of receiving a response from said auditor by said requester, wherein said response is either a confirmation notice or a rejection notice (as per claim 10), wherein said requester initiates a second auditor selection, based upon receiving said rejection notice (as per claim 11) in order to facilitate efficient task allocation and timely task completion when a first person is not available to complete an assigned task (e.g., due to vacation, illness, etc.).

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[Claim 12] While McFarland teaches that a date planned for an audit may be entered (col. 24, lines 24-26; col. 26, lines 5-15), McFarland does not expressly teach that a quarter planned for said audit may be entered. However, Official Notice is taken that it is old and well-known in the art to schedule audits at a given frequency in order to promote consistent monitoring of the quality of an organization. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify McFarland to allow a user to enter a quarter planned for said audit in order to promote consistent monitoring of the quality of an organization of a quarterly basis.

[Claims 14, 15] While McFarland teach that one may view said scheduled audit by categories, said categories including completed audits (col. 28, lines 28-37) and planned audits (col. 28, lines 28-37), McFarland does not expressly provide a view for all audits (claim 14) or by supplier, region, quarter by region by commodity, year by quarter, product category, requester, auditor, organization, or site owner (claim 15). However, Official Notice is taken that it is old and well-known in the art to filter information for display based on user-specified filter conditions. The filter conditions recited in claims 14 and 15 are merely analogous to well-known filtering conventions utilized to enable a user to more quickly and easily assess a limited subset of data of interest to him/her. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify McFarland to allow a user to specify various viewing conventions for audits, including a view for all audits (claim 14) or by supplier, region, quarter by region by commodity, year by

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quarter, product category, requester, auditor, organization, or site owner (claim 15) in order to provide the user with a convenient manner of more quickly and easily assessing a limited subset of data of interest to him/her.

[Claims 50-52, 54, 55] Claims 50-52, 54, and 55 recite limitations already addressed by the rejection of claims 10-12, 14, and 15 above; therefore, the same rejection applies.

McFarland discloses a method for facilitating supplier auditing functions in a communications network environment, comprising:

[Claim 25] receiving a request from a first enterprise system to contact a second enterprise system, the first enterprise system including a supplier of the second enterprise system (Figs. 1, 62, 65; col. 24, lines 20-30; col. 25, lines 33-34; col. 26, lines 5-15; col. 28, lines 28-30);

receiving a request to initiate an activity, said activity including viewing results of an audit performed by the second enterprise system (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

said second enterprise system retrieving data from at least one database, said data corresponding to said activity selected (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46); and

transmitting said data to said first enterprise system (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

wherein said second enterprise system includes a quality information network application for executing activity options (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46).

As per claim 25, McFarland does not expressly teach that her system is integrated via a web site maintained by an enterprise system that authenticates a user's ID and password via a firewall or that her communications network environment includes an extranet. However, McFarland does allow for audits to be performed by external third party auditors (Fig. 7; col. 24, lines 20-29). Furthermore, Official Notice is taken that it is old and well-known in the art of inter-enterprise communications to utilize a web site (such as an Internet-based web site) maintained by an enterprise system that authenticates a user's ID and password via a firewall and a communications network environment that includes an extranet in order to promote secure communications among users from different organizations. Since McFarland allows for audits to be performed by external third party auditors, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify McFarland to incorporate a web site (such as an Internet-based web site) maintained by an enterprise system that authenticates a user's ID and password via a firewall and a communications network environment that includes an extranet in order to promote secure communications among users from different organizations (including external third party auditors), especially where confidential documents are concerned.

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[Claims 36, 37, 39, 40, 76-82] Claims 36, 37, 39, 40, and 76-82 recite limitations already addressed by the rejection of claims 5-11 and 25 above; therefore, the same rejection applies.

Furthermore, it should be noted that the modified version of McFarland addressed in the rejection of claim 25 above would necessarily incorporate a host system including a workstation, a web server, an applications server, and a database server, a data storage device in communication with said host system, quality information network software application being executed by said host system, a firewall in communication with said host system, a workstation, and a computer network connecting the host system to the workstation, wherein information inputted into the workstation is transferred to the host system and made available to the quality information network software application (as per claim 36).

McFarland discloses:

[Claim 37] wherein said data storage device includes:

a reference database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

an audit schedule database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

an audit reports database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46);

an executive summary database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46); and

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a supplier quality performance database (Figs. 1, 7, 61-72; col. 23, line 65 through col. 28, line 46).

[Claim 65] Claim 65 recites limitations already addressed by the rejection of claim 25 above; therefore, the same rejection applies.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

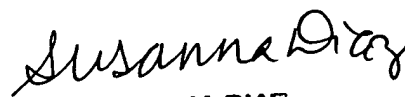
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 27, 2005


SUSANNA M. DIAZ
PRIMARY EXAMINER
Au 3623